

Application No. 10/815,745  
Amendment dated 2 September 2005  
Reply to Office Action of 2 June 2005

Page 15 of 20

REMARKS

The Applicant has amended claims 1, 3, 4, 5, 7, 8, 10, 16, 19 and 36-39. These amendments are submitted to add no new matter and to be completely supported by the application as originally filed.

Claims 1-39 are pending after this amendment.

Allowable Subject Matter - Claims 8-14, 16, 19-27 and 37

The Examiner has indicated that claims 8-14, 16, 19-27 and 37 would be allowable if rewritten in independent form to include all of the features of their respective base claims and any intervening claims. The Applicant has done this by:

- amending claim 8 to recite the features of originally filed claims 1 and 7;
- amending claims 10, 16 and 19 to recite the features of originally filed claim 1; and
- amending claim 37 to recite the features of originally filed claim 36.

Accordingly, the Applicant submits that claims 8, 10, 16, 19 and 37 are in condition for allowance. Dependent claims 9, 11-14 and 20-27 are submitted to be allowable for at least the reason that they respectively depend from allowable base claims 8, 10 and 19.

Claims 1-7, 15, 17, 18 and 28

The Examiner has raised US patent No. 3,103,869 (Dry) in relation to claims 1-7, 15, 17, 18 and 28. The Applicant submits that these claims (as amended) patentably distinguish Dry.

As understood by the Applicant, Dry discloses an adjustable air diffuser (11) comprising a ring member (13) and a plate (37). The ring member (13) includes a tubular wall member (15) welded to an annular shoulder (17, 18, 19, 20). Support members (22) are welded to the inner surface of tubular wall member (15) and are shaped to define a bracket or trackway (27) inside tubular wall member (15). A channel (28) is coupled to plate (37) at its lower end (via lip (36), fastener (38) and knob (39)) and is adjustably mounted in trackway (27). Channel (28) is shaped to provide a cross-section which conforms to the cross-section of trackway (27). The position of plate (37) relative to ring member (13) may be adjusted by sliding channel (28) back and forth in trackway (27).

Application No. 10/815,745  
Amendment dated 2 September 2005  
Reply to Office Action of 2 June 2005

Page 16 of 20

Channel (28) is moveably coupled to trackway (27) by a spring element (30) which exerts pressure onto one surface of channel (28) and by spring clip (31) which projects through channel (28) and trackway (27) to maintain the position of channel (28) within trackway (27).

Claim 1, as amended, recites the combination of "a body member" comprising a vent passageway and a collar in fluid communication with one another and "an adjustment member" comprising a head and a stem, wherein the stem has "one or more stem portions comprising one or more contact portions which engage an interior surface of the collar and which moveably couple the adjustment member to the collar and wherein the one or more stem portions, alone or in combination with the interior surface of the collar, define a plurality of collar openings that extend through the collar passageway to permit airflow therethrough".

Dry fails to teach or suggest this combination of features. More particularly, Dry fails to teach an adjustment member that is moveably coupled to a collar and that has "one or more stem portions comprising one or more contact portions which engage an interior surface of the collar and which moveably couple the adjustment member to the collar and wherein the one or more stem portions, alone or in combination with the interior surface of the collar, define a plurality of collar openings that extend through the collar passageway to permit airflow therethrough".

Dry discloses a channel (28) that is moveably coupled to trackway (27). However, the Dry device provides only one "collar opening" that permits airflow through trackway (27). The single "collar opening" of the Dry device is shown most clearly in Figures 1 and 5 as the region between the parallel flanges of channel (28). As shown in Figures 2 and 5, the region that is inside trackway (27) but is outside of channel (28) is occupied by spring element (30). Spring element (30) spans both dimensions of this region to substantially prevent airflow therethrough. Accordingly, Dry fails to teach or suggest the claim 1 feature of "a plurality of collar openings that extend through the collar opening to permit airflow therethrough".

Based on this reasoning, the Applicant respectfully submits that claim 1 patentably distinguishes Dry. Claims 2-7, 15, 17, 18 and 28 depend from claim 1 and are submitted to be patentable over Dry for at least this reason.

Application No. 10/815,745  
Amendment dated 2 September 2005  
Reply to Office Action of 2 June 2005

Page 17 of 20

Claim 7 further recites that the one or more stem portions comprise "one or more blades, each blade comprising at least one surface and at least one exterior edge having a dimension smaller than a dimension of the at least one surface and wherein the one or more contact portions are substantially defined by the exterior edges of the one or more blades which engage the interior surface of the collar at spaced apart locations". Dry does not disclose or suggest this claim 7 feature. More particularly, the "contact portions" between the Dry channel (28) and the Dry trackway (27) include the parallel, flattened flanges of channel (28). These parallel, flattened flanges are not "exterior edges" as recited in claim 7. Claim 7 also recites that, for each blade, the "exterior edge" of the blade has a dimension smaller than at least one other surface of the blade. Accordingly, the parallel, flattened flanges of the Dry channel (28) cannot be the "exterior edges" of the blades which substantially define the "contact portions" recited in claim 7. For these reasons, claim 7 is submitted to further patentably distinguish Dry.

Claims 29-35

The Examiner has raised the combination of Dry and US patent No. 3,717,081 (Jakimas) in relation to claims 29-35. The Applicant submits that claims 29-35 patentably distinguish the combination of Dry and Jakimas.

Claims 29-35 depend from claim 1. As discussed above, Dry does not teach or suggest the claim 1 feature of "one or more stem portions comprising one or more contact portions which engage an interior surface of the collar and which moveably couple the adjustment member to the collar and wherein the one or more stem portions, alone or in combination with the interior surface of the collar, define a plurality of collar openings that extend through the collar passageway to permit airflow therethrough". Jakimas fails to remedy this deficiency in the Dry disclosure. Accordingly, claims 29-35 are submitted to be allowable over the combination of Dry and Jakimas.

Claim 36

The Examiner has raised Dry in relation to claim 36.

Claim 36, as amended, recites "a body member" having "a surface that defines a bore having a generally circular cross-section" and "an adjustment member" comprising a head and a stem, wherein the stem comprises a plurality of blades and the "exterior edges

Application No. 10/815,745  
Amendment dated 2 September 2005  
Reply to Office Action of 2 June 2005

Page 18 of 20

of the blades are disposed to moveably engage the generally cylindrical bore defining surface".

Dry teaches a trackway (27) defined by support members (22). The Dry trackway (27) is hollow, but the hollow region of trackway (27) is rectangular in cross-section and not "generally circular in cross-section" as recited in claim 36. One would not modify the Dry trackway (27) to be circular in cross-section. If trackway (27) were modified to be circular in cross-section, then channel (28) could rotate within trackway (27), causing apertures (29) to become misaligned and thereby preventing the use of spring clip (31) to retain the parts of the Dry apparatus in place.

Furthermore, although the Dry ring member (15) is disclosed as being generally circular in cross-section, Dry fails to teach or suggest any "adjustment member" comprising a stem with a plurality of blades that "moveably engage" ring member (15) as recited in claim 36. The Dry support members (22) and their flanges (23) are specifically disclosed as being welded to the ring member (15) – (see col. 2, ln. 16-18).

Based on this reasoning, the Applicant submits that claim 36 patentably distinguishes Dry.

#### Claim 38

The Examiner has raised Dry in relation to claim 38.

Claim 38, as amended, recites the combination of "a body member" comprising a vent passageway and a collar in fluid communication with one another and "an adjustment member" comprising a head and a stem, wherein the stem has one or more stem portions and the one or more stem portions comprise "one or more contact portions which moveably engage the interior surface of the collar and which couple the adjustment member to the body member, such that the stem projects inwardly into the collar passageway and the adjustment member is inwardly and outwardly moveable relative to the body member and is rotatable relative to the body member about an inwardly and outwardly extending axis".

Dry fails to teach or suggest this combination of features recited in claim 38. More particularly, Dry does not disclose a body member with a collar and an adjustment member that moveably engages an interior surface of the collar to couple the adjustment member to

Application No. 10/815,745  
Amendment dated 2 September 2005  
Reply to Office Action of 2 June 2005

Page 19 of 20

the body member, such that "the adjustment member is inwardly and outwardly moveable relative to the body member and is rotatable relative to the body member about an inwardly and outwardly extending axis". While Dry discloses a channel (28) that moveably engages the interior surface of a trackway (27) to facilitate inward and outward movement of channel (28) relative to trackway (27), both trackway (27) and channel (28) are rectangular in cross-section and do not facilitate rotation of channel (28) relative to trackway (27) about an inwardly and outwardly extending axis.

Based on this reasoning, the Applicant submits that claim 38 patentably distinguishes Dry.

Claim 39

The Examiner has raised Dry in relation to claim 39.

Claim 39, as amended, recites the combination of "a body member", "a collar that defines a collar passageway having a generally circular cross-section", the collar supported for fluid communication between the vent passageway and the collar passageway", "coupling means for moveably coupling the adjustment member to the collar" and "passage means for permitting air flow through the collar passageway while the adjustment member is moveably coupled to the collar by the coupling means". Dry fails to teach or suggest this combination of features.

As discussed above in relation to claim 36, channel (28) and trackway (27) disclosed by Dry have generally rectangular cross-sections. Consequently, neither of these elements of the Dry device amount to the claim 39 feature of "a collar that defines a collar passageway having a generally circular cross-section". One would not modify the Dry trackway (27) to be circular in cross-section. If trackway (27) were modified to be circular in cross-section, then channel (28) could rotate within trackway (27), causing apertures (29) to become misaligned and thereby preventing the use of spring clip (31) to retain the parts of the Dry apparatus in place.

Furthermore, although the Dry ring member (15) is disclosed as being generally circular in cross-section, the Dry support members (22) and their flanges (23) are described as being welded to the interior surface of the ring member (15). Consequently, the Dry support members (22) are not capable of "moveably coupling the adjustment member to the collar" as recited in claim 39.

Application No. 10/815,745  
Amendment dated 2 September 2005  
Reply to Office Action of 2 June 2005

Page 20 of 20

Based on this reasoning, the Applicant submits that claim 39 patentably distinguishes Dry.

Conclusions

The Applicant respectfully requests reconsideration and allowance of this application in light of the foregoing amendments and comments.

Respectfully submitted,  
**OYEN WIGGS GREEN & MUTALA**

By:

Gavin N. Manning  
Registration No.: 36,412  
Tel. No.: (604) 669-3432  
Fax No.: (604) 681-4081  
e-mail: docket3@patentable.com

Vancouver, B.C.  
CANADA